

ORIGINAL

FILED

September 28 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0354

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DANNY SARTAIN,

Defendant and Appellant.

FILED

SEP 28 2009

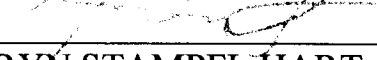
Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Taryn Stampfl Hart, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until November 5, 2009, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 28th day of September, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
301 South Park, Room 568
P.O. Box 200145
Helena, MT 59620-0145

By: 
TARYN STAMPFL HART
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office.

2. In that capacity, I supervise Taryn Stampfl Hart who has been assigned to handle the above-entitled matter.

3. The Appellant's opening brief is currently due October 5, 2009. This is Appellant's third extension request.

4. Counsel has numerous other appellate briefs that counsel must work on concurrently with the present matter.

5. In light of the complexity of the present case, counsel cannot complete the briefing and consult with the client in time to file the brief in a timely matter.

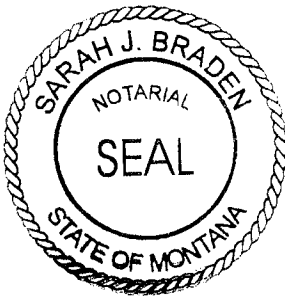
6. Counsel will work diligently to complete the matter in the time requested.

7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.

Joslyn Hunt
JOSLYN HUNT

SUBSCRIBED AND SWORN to before me this 18th day of September,
2009.



Sarah J. Braden
Sarah J. Braden
Notary Public for the State of Montana
Residing at 1000 1st Ave
My commission expires 9/18/2011

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

MARTY LAMBERT
Gallatin County Attorney
1709 W. College
Bozeman, MT 59715

DANNY SARTAIN 2009296
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: September 22, 2009 [Signature]